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14
15 UNITED STATES DISTRICT COURT
16
17 CENTRAL DISTRICT OF CALIFORNIA

18 IN RE: TOYOTA MOTOR CORP.
19 UNINTENDED ACCELERATION
20 MARKETING, SALES PRACTICES,
21 AND PRODUCTS LIABILITY
22 LITIGATION

23 Case No. 8:10ML2151 JVS (FMOx)

24
25 **NOTICE OF FILING OF
ADMINISTRATIVE DECLARATION
AND PLAINTIFFS' MOTION TO
APPROVE PAYMENT OF
SUPPLEMENTAL
ADMINISTRATIVE EXPENSES
RELATED TO ESCHEATMENT**

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28 THIS DOCUMENT RELATES TO:
ALL ECONOMIC LOSS CASES

NOTICE OF FILING OF ADMINISTRATIVE DECLARATION & MOTION TO
APPROVE PAYMENT OF SUPPLEMENTAL EXPENSES RE ESCHEATMENT
10172.25 545002 V1

The Economic Loss Plaintiffs hereby give notice of filing of the following document: Declaration of Lara Jarjoura Regarding Status of Distribution, June 6, 2019 (attached hereto as Exhibit A) and Plaintiffs' Motion for an Order Approving the Payment of Supplemental Administrative Expenses Relating to Escheatment.

1. Summary of Administrative Declaration

By way of summary, and as is explained in more detail in the Jarjoura Declaration, pursuant to the Court-approved Settlement Agreement in this matter, the Cash-in-Lieu-of-BOS Fund and the Diminished Value Fund each provided \$250,000,000 in available funds to eligible Class Members for a total of \$500,000,000. A tiered approach has been applied in the processing of Distribution Payments from each Fund. In March of 2014, Gilardi commenced the initial tranche of Distribution Payments to individual claimants who filed approved claims in both the Cash-in-Lieu-of-BOS Fund and the Diminished Value Fund (“Tier 1 Distribution”).

In July of 2014, Gilardi commenced the second tranche of Distribution Payments to fleet owners as well as to individual claimants whose deficient claims have since been cured (“Tier 2 Distribution”).

In September of 2014, Gilardi commenced the third and final tranche of Distribution Payments of the residual funds in both the Cash-in-Lieu-of-BOS Fund and the Diminished Value Fund (“Tier 3 Distribution”). This third tranche of distribution is related to the pro-rata distributions made to eligible Class Members who did not file claims but were identified as having been eligible to file claims, as contemplated in the Court’s July 24, 2013 Order Granting Motion for Final Approval of Proposed Class Action Settlement, and Granting Motion for Attorneys’ Fees, Reimbursement of Expenses, and Compensation to Named Plaintiffs.

After Toyota reimbursements per Amendment No. 2 to the Settlement

1 Agreement and administrative contingencies, and combining all three Tiers of
2 Distribution Payments together, Gilardi has distributed a total of \$238,473,177 in
3 Distribution Payments from the Cash-in-Lieu-of-BOS Fund, and \$235,849,342 in
4 Distribution Payments from the Diminished Value Fund.

5 As of June 4, 2019, a total of \$210,703,101 in Distribution Payments from the
6 Cash-in-Lieu-of-BOS Fund have been negotiated and a total of \$224,901,803 in
7 Distribution Payments from the Diminished Value Fund have been negotiated. The
8 checks that have been negotiated represent 88.36 percent of the funds that have been
9 sent to Class Members from the Cash-in-Lieu-of-BOS Fund and 95.36 percent of the
10 funds that have been sent to Class Members from the Diminished Value Fund.

11 Upon the completion of all steps outlined in Amendment No. 2 to the
12 Settlement Agreement and by the statutory rules for each US state and territory,
13 Gilardi will perform all necessary compliance for the commencement of escheatment
14 of un-cashed funds to the correct authority. During the state-specific dormancy
15 periods and before remitting the funds, Gilardi will continue to honor check reissue
16 requests from Class Members throughout the dormancy periods.

18 To date, Gilardi has remitted the following funds in accordance with each
19 state's specific dormancy periods based on the most recent date of check issuance
20 (for a total of \$14,072,512 remitted to 37 states, with almost \$8 million additional
21 funds scheduled to be escheated to the state of California by the end of June, 2019):
22

Funds Escheated to Date							
Date Escheated	State	DV-Count	DV-Amount	CIL-Count	CIL-Amount	Total Count	Total Amount
11/27/2017	OR	2,542	157,328.70	9,622	291,087.83	12,164	448,416.53
5/1/2018	DE	43	2,925.82	151	3,645.12	194	6,570.94
5/2/2018	NY	653	51,311.10	3,392	52,339.41	4,045	103,650.51
5/1/2018	PA	480	80,753.44	1,568	54,963.45	2,048	135,716.89
5/1/2018	TN	280	20,828.51	1,156	36,762.04	1,436	57,590.55

1	5/1/2018	VT	36	4,822.33	109	3,564.17	145	8,386.50
	6/8/2018	CA	1	125.00	4	500	5	625.00
2	7/2/2018	MI	168	10,731.94	620	20,854.14	788	31,586.08
	7/2/2018	TX	1,524	117,156.53	6,614	219,526.99	8,138	336,683.52
3	10/30/2018	AK	472	23,460.79	2,665	79,187.68	3,137	102,648.47
	10/30/2018	AL	4,256	147,068.70	17,540	371,852.76	21,796	518,921.46
4	10/30/2018	AR	2,822	41,224.17	11,834	110,912.14	14,656	152,136.31
	10/30/2018	AZ	3,298	188,592.36	20,045	609,686.87	23,343	798,279.23
5	10/30/2018	CO	3,348	140,973.11	15,579	331,831.09	18,927	472,804.20
	10/30/2018	DC	491	9,746.00	3,144	32,530.33	3,635	42,276.33
6	10/30/2018	IA	839	46,376.87	3,550	105,957.73	4,389	152,334.60
	10/30/2018	IL	5,352	278,569.32	28,698	969,322.55	34,050	1,247,891.87
7	10/30/2018	IN	2,522	43,021.35	14,093	134,755.46	16,615	177,776.81
	10/30/2018	KY	1,726	86,284.07	8,979	267,914.73	10,705	354,198.80
8	10/30/2018	MA	4,333	203,624.19	26,243	780,707.89	30,576	984,332.08
	10/30/2018	MD	4,747	243,917.59	24,854	739,762.35	29,601	983,679.94
9	10/30/2018	ME	534	25,434.13	3,171	93,237.46	3,705	118,671.59
	10/30/2018	MN	1,438	70,943.51	9,679	288,621.32	11,117	359,564.83
10	10/30/2018	ND	277	4,653.26	1,344	14,005.73	1,621	18,658.99
	10/30/2018	NJ	6,218	435,067.82	29,483	915,100.04	35,701	1,350,167.86
11	10/30/2018	NV	2,853	160,036.94	11,047	329,928.37	13,900	489,965.31
	10/30/2018	OH	4,118	238,311.01	19,098	570,925.95	23,216	809,236.96
12	10/30/2018	OR	38	4,000.14	123	10,394.16	161	14,394.30
	10/30/2018	RI	584	26,341.70	3,160	94,436.88	3,744	120,778.58
13	10/30/2018	SD	243	13,763.88	921	27,531.26	1,164	41,295.14
	10/30/2018	UT	2,699	40,677.08	14,403	136,355.74	17,102	177,032.82
14	10/30/2018	WA	3,870	202,937.94	20,667	614,336.02	24,537	817,273.96
	1/31/2019	GU	26	884.02	72	1,643.11	98	2,527.13
15	3/1/2019	DE	460	15,514.01	2,616	55,338.28	3,076	70,852.29
	3/10/2019	NY	9,775	442,128.35	56,405	1,108,413.22	66,180	1,550,541.57
16	4/10/2019	PA	4,875	285,818.62	22,573	678,316.73	27,448	964,135.35
	5/1/2019	VT	278	15,125.89	1,232	35,782.99	1,510	50,908.88

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18 **2. Plaintiffs' Motion to Approve Payment of Supplemental Administrative**
Expenses Related to Escheatment

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20 As is also explained in the attached Jarjoura Declaration, since the initial
21 distribution in March of 2014, Gilardi has continued to honor reissue requests and
22 provide quality escheatment services. The escheatment process has proven to be
23 more complex and more involved than originally anticipated, given the high volume
24 of uncashed Tier 3 checks and their demographic span across the US state and
25 territories, some of which have changed their escheatment procedures and timelines
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27

1 since the initial distribution in March of 2014, extending the duration of the
2 escheatment process here. The escheatment research and preparation in this
3 settlement began in earnest in 2015 and the process will continue for several more
4 years until at least 2025. Given the additional work effort and length of time for the
5 escheatment process, Gilardi has discussed with Counsel the use of remaining and
6 residual funds, to pay supplemental administration fees and expenses relating to the
7 reissuing processes, claimant support, due diligence mailings and ultimately, the
8 escheatment of funds to the individual states and territories.

9
10 To date, Gilardi has incurred additional expenses in the amount of \$400,000
11 relating to the escheatment process, and anticipates an additional cost of
12 approximately \$25,000 annually as escheatment continues. These annual expenses
13 will cover the costs necessary to provide continued bank account maintenance,
14 phone/email support to claimants, reissue processing, escheatment processing, and
15 case management support and reporting services. Payments would only be made
16 from excess residual funds and invoiced annually in June until all funds are
17 escheated.

18 Gilardi and Counsel for the Parties have discussed and have planned for these
19 supplemental administrative expenses and sufficient residual funds exists to pay
20 these expenses through the end of the escheatment process.

21 Plaintiffs therefore respectfully request an Order from the Court approving the
22 payment at this time of \$400,000 in supplemental administrative expenses related to
23
24

1 the escheatment processing in this settlement. A proposed form or Order is attached
2 hereto as Exhibit B.

3 Economic Loss Plaintiffs will provide the Court with another update on the
4 status of the distribution and escheatment process on December 10, 2019.
5

6 DATED: June 6, 2019 HAGENS BERMAN SOBOL SHAPIRO LLP
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26 Plaintiffs*

PROOF OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party through the Court's electronic filing service on June 6, 2019.

/s/ Steve W. Berman

Steve W. Berman